

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**EIGHTY-SIXTH LEGISLATIVE DAY**  
**TUESDAY, APRIL 5, 2005**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Burkett, Cameron, Gannon, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chad Reiser, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Gannon was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 4, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Cameron was recorded present at this order of business.

April 4, 2005

The JUDICIARY AND RULES Committee reports that **S 1171**, as amended, has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1171**, as amended, and ordered it transmitted to the House for the signature of the Speaker.

April 5, 2005

The JUDICIARY AND RULES Committee reports that **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **SCR 119**, **SJM 111**, and **SJM 112** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **SCR 119**, **SJM 111**, and **SJM 112** and ordered them transmitted to the House for the signature of the Speaker.

April 4, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1170**, as amended, **S 1197**, as amended, **S 1198**, **S 1229**, **S 1231**, **S 1232**, **S 1233**, and **S 1234** were delivered to the Office of the Governor at 3:08 p.m., April 4, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 4, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 110** and **SJM 109** were delivered to the Office of the Secretary of State at 2:15 p.m., April 4, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 4, 2005

The JUDICIARY AND RULES Committee reports that **S 1158**, as amended, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1158**, as amended, as amended in the House, was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

April 4, 2005

Mr. President:

I transmit herewith **H 400** which has passed the House.

JUKER, Chief Clerk

**H 400** was filed for first reading.

April 4, 2005

Mr. President:

I transmit herewith Enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

**S 1158**, as amended, as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 400**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### **Reports of Standing Committees**

April 5, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 400** with the recommendation that it do pass.

BUNDERSON, Chairman

**H 400** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

Senator Burkett was recorded present at this order of business.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1158**, as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days

were dispensed with, this being a case of urgency, and **S 1158**, as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1158**, as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Andreason, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1158**, as amended, as amended in the House, passed, title was approved, and the bill referred to the Judiciary and Rules Committee for enrolling.

Senator Sweet was recorded present at this order of business.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 400** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 400** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 400** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 400** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1239**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO CHANGE OF DITCH, CANAL, LATERAL, DRAIN OR BURIED IRRIGATION CONDUIT; AMENDING SECTION 42-1207, IDAHO CODE, TO PROVIDE THE TIME LIMIT WHEN RESTORATION SHALL BE COMPLETED AND TO ELIMINATE A REQUIREMENT TO RECORD LOCATIONS; AND AMENDING SECTION 18-4308, IDAHO CODE, TO PROVIDE THE TIME LIMIT WHEN RESTORATION SHALL BE COMPLETED AND TO ELIMINATE CRIMINAL PENALTIES FOR FAILURE TO RECORD LOCATIONS.

**S 1240**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1623, IDAHO CODE, TO PROVIDE REQUIREMENTS GOVERNING DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES WHOSE JOB DUTIES ARE RELATED TO THE CHILD PROTECTIVE SERVICES SYSTEM.

**S 1239** and **S 1240** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

April 5, 2005

The JUDICIARY AND RULES Committee reports that **S 1239** and **S 1240** have been correctly printed.

DARRINGTON, Chairman

**S 1239** and **S 1240** were referred to the State Affairs Committee.

April 5, 2005

The STATE AFFAIRS Committee reports out **S 1239** and **S 1240** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1239** and **S 1240** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1239** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1239** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1239** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1239** passed, title was approved, and the bill ordered transmitted to the House.

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1240** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1240** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1240** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1240** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Wednesday, April 6, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary